

S/N 09/787,668

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DeHaan, et al	Examiner:	TAM NGUYEN
Serial No.:	09/787,668	Group Art Unit:	1764
Filed:	June 8, 2001	Docket No.:	04415.0029USWO
Title:	PROCESS FOR PRODUCING MIDDLE DISTILLATES AND MIDDLE DISTILLATES PRODUCED BY THAT PROCESS		

CERTIFICATE UNDER 37 CFR 1.66(d)

I hereby certify that this paper is being transmitted by facsimile (703-872-9306) to the Director, Tech Center 1760, Commissioner for Patents, Attn: Examiner Tam Nguyen on April 15, 2004.

By:

Name: Tracy L. Hollom

**PETITION UNDER 37 CFR 1.181(a) TO
WITHDRAW HOLDING OF ABANDONMENT**

Director, Tech Center 1760
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APR 15 2004

OFFICIAL

Dear Sir:

Relief Requested

Applicants respectfully petition the Commissioner to withdraw the holding of abandonment in the above-referenced application.

Background

A notice of abandonment was mailed on March 16, 2004, with an indication that a reply to the office action of July 2, 2003 was not timely filed. A copy of the Notice of Abandonment is enclosed as Exhibit A.

Applicant's Reply

A complete response to the office action was filed on August 19, 2003. A copy of the return postcard, marked as Exhibit B, from that filing containing a USPTO date stamp of August 19, 2003 indicating receipt by the USPTO is enclosed. In addition, a copy of the response and

accompanying papers, marked as Exhibit C, filed on August 19, 2003 is enclosed. An additional, unmarked copy of the response and accompanying papers is also enclosed.

Conclusion

As evidenced by the enclosed papers, a complete response to the July 2, 2003 was timely filed, and received by the USPTO, on August 19, 2003. As a result, the abandonment of the above-referenced application was improper. Withdrawal of the abandonment and the return of this application to pending status is requested.

No fee is believed to be due for consideration of this petition. A check in the amount of \$110.00 for a one-month extension of time was submitted with the response on August 19, 2003. In the event that the extension of time fee is still due, or in the event that a fee is due for consideration of this petition, such fee(s) can be charged to Deposit Account No. 13-2725.

Any questions concerning this petition can be directed to the attention of the undersigned at the number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: April 14, 2004

By 

Brian H. Batzli
Reg. No. 32,960
BHB/JAL

23552
PATENT TRADEMARK OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,668	06/08/2001	Robert DeHaan	0261-0001 4415.29WSW	5980
7590 03/16/2004			EXAMINER	
Brian H. Batzli P.O. Box 2903 Minneapolis, MN 55402-0903			NGUYEN, TAM M	
REV LENO: July 2, 2004			ART UNIT	
FIN REV: Jan 2, 2005			PAPER NUMBER	
			1764	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.		Applicant(s)	
	09/787,668		DEHAAN ET AL.	
	Examiner		Art Unit	
	Tam M. Nguyen		1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 July 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Walter D. Griffin
Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20040305



Applicant: De Haan, et al.
Application No: 09/787,668
Filing Date: March 21, 2001
Title: Process For Producing Middle
Distillates and Middle Distillates
Produced By That Process

Docket No.: 0264-0001
By: Christopher E. Anledobe/md

When receipt stamp is placed hereon, the U.S.P.T.O. acknowledges receipt of the following:

1. Transmittal Letter to the USPTO;
2. Petition for 1 Month Extension of Time;
3. Response to Restriction Requirement;
4. Check in the amount of \$110.00 (to cover a one month extension); and
5. (1) Postcard.





1033 N. Fairfax St., Suite 306, Alexandria, VA 22314

Telephone: (703) 683-3600 Facsimile: (703) 683-9875 Email: ChrisA@mail.jpadvocates.com

August 19, 2003



32256

PATENT TRADEMARK OFFICE

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Re: U.S. Patent Application
Appl. No. 09/787,668; Filed: June 8, 2001
For: Process For Producing Middle Distillates And
Middle Distillates Produced By That Process
Inventor(s): De Haan et al.
Our Ref: 0264-0001

Sir:


Transmitted herewith for appropriate action are the following documents:

1. Transmittal Letter to the USPTO;
2. Petition for 1 Month Extension of Time;
3. Check in the amount of \$110.00 (to cover a one month extension);
4. Response to Restriction Requirement; and
5. (1) Postcard.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622.

Respectfully submitted,

SHANKS & HERBERT


By _____
Christopher E. Anledobe
Reg. No. 48,293

Encl.

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Fax Transmission | April 15, 2004TO: Director, Tech Center 1760
Commissioner for Patents
Attn: **Examiner Tam Nguyen**
Patent Examining Corps
Facsimile Center
Alexandria, VA 22313.1450

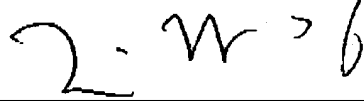
FROM: Brian H. Batzli

OUR REF: 4415.29USWO
TELEPHONE: 612.336.4755USPTO Centralized Facsimile No.: 1-703-872-9306Total pages, including cover letter: 19.

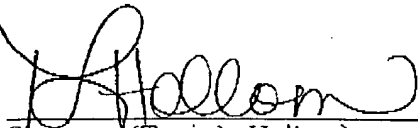
If you do NOT receive all of the pages, please telephone us at 612.336.4755, or fax us at 612.332.9081.

Title of Document Transmitted: 1.) **Petition Under 37CFR 1.181 (a) to Withdraw Holding of Abandonment**; 2.) **Exhibits A - C**; 3.) **Additional Unmarked Copy of Response as filed and Accompanying Papers**Applicant: DeHaan, et al.
Serial No.: 09/787,668
Filed: June 8, 2001Our Ref. No.: 4415.29USWO
Group Art Unit: 1764
Customer No.: 23552

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: 
Name: Brian H. Batzli
Reg. No.: 32,960
BHB:JAL:tlh

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Signature (Tracy L. Hollom)April 15, 2004
Date